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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 CLARENCE JOHNSON,

11 Petitioner,

12 v.

13 STEVEN SINCLAIR,

14 Respondent.

Case No. C08-1794-MJP

ORDER DENYING RESPONDENT'S
MOTION TO DISMISS PETITION

15 The Court, having reviewed petitioner's petition for habeas corpus, respondent's motion
16 to dismiss, the Report and Recommendation of Judge James P. Donohue, United States
17 Magistrate Judge, and the remaining record, does hereby find and Order:

18 (1) The Court adopts the Report and Recommendation.

19 (2) Respondent's motion to dismiss the petition as a "mixed petition" (Dkt. No. 11) is
20 DENIED.

21 (3) Respondent is directed to file an answer to the petition within thirty (30) days of
22 the date on which this Order is signed.

23 (4) Petitioner filed a request for a time extension for filing a personal restraint
24 petition. (Dkt. No. 14.) However, a personal restraint petition is a state court filing and this
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ORDER DENYING MOTION TO DISMISS

1 Court does not have the authority to extend deadline set by another court. Petitioner's request is
2 denied.

3 (5) The Clerk is directed to send copies of this Order to petitioner, to counsel for
4 respondent, and to Judge Donohue.

5 DATED this 20th day of April, 2009.

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9 Marsha J. Pechman
10 United States District Judge
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